

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 175

### HOUSE BILL NO. 1381

(Representatives Lefor, Beadle, Meier, Porter)  
(Senators Bekkedahl, Bowman, Kilzer)

AN ACT to amend and reenact section 20.1-01-31 of the North Dakota Century Code, relating to interference with the taking of wildlife.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-01-31 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-01-31. Interference with rights of hunters and trappers.**

~~No person~~An individual may not intentionally interfere with the lawful taking of wildlife on public or private land by another or intentionally harass, drive, or disturb any wildlife on public or private land for the purpose of disrupting a lawful hunt. The individual may not use an aerial vehicle that does not carry a human operator on public or private land to intentionally interfere with the lawful taking of wildlife by another individual or intentionally harass, drive, or disturb any wildlife for the purpose of disrupting a lawful hunt. Except for department personnel, the ~~person~~individual setting the trap or snare, or that ~~person's~~individual's agent, ~~no person~~another individual may not remove or tamper with a trap or snare legally set to take fur-bearing animals or unprotected wild animals or remove the fur-bearing animal or unprotected wild animal from a trap or snare. This section does not apply to any incidental interference arising from lawful activity by public or private land users or to landowners or operators interfering with hunters on land owned or operated by that individual.

Approved March 19, 2015  
Filed March 19, 2015

## CHAPTER 176

### HOUSE BILL NO. 1356

(Representatives Porter, Damschen)  
(Senators Schaible, Unruh)

AN ACT to amend and reenact subdivision c of subsection 17 of section 20.1-02-05, sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to depredation prevention by landowners.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivision c of subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.

**SECTION 2. AMENDMENT.** Section 20.1-02-28 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-02-28. Deerproof hay yard program.**

Within legislative appropriations, the director shall provide for a deerproof hay yard program. The deerproof hay yard program must provide materials and supplies at no cost and construction cost-share assistance to landowners for the establishment of deerproof hay yards to protect crops, hay, or feed on private property with deer depredation problems. A landowner who allows commercial hunting for big game on a majority of acres owned and operated in exchange for compensation and who posts a majority of the acres owned and operated by that person to prohibit big game hunting is not eligible to participate in the deerproof hay yard program. The department shall establish a prorated repayment system over a three-year period. For winter management program purposes of this section, a person may not willfully hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange a deer except as provided in carrying out practices to alleviate depredations under the private land habitat and access improvement program and elsewhere in this title.

**SECTION 3. AMENDMENT.** Section 20.1-05-02 of the North Dakota Century Code is amended and reenacted as follows:

#### **20.1-05-02. Big game animals protected.**

Except as otherwise provided in section 20.1-02-28, a person may not hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange a big game animal except as provided in carrying out practices to alleviate depredations under the private land habitat and access improvement program and elsewhere in this title.

Approved March 31, 2015  
Filed March 31, 2015

## CHAPTER 177

### HOUSE BILL NO. 1158

(Representatives Schmidt, Boe, Dockter, Hatlestad, Hofstad, Porter, Silbernagel)  
(Senators Armstrong, Bowman)

AN ACT to amend and reenact sections 20.1-03-17, 20.1-03-18, 20.1-03-19, 20.1-03-20, and 26.1-21-09.1 of the North Dakota Century Code, relating to the issuance of game and fish licenses; and to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-17. Issuance of licenses - Who to issue —~~County auditor may appoint agents to receive service fees - Disposition of proceeds —Continuing appropriation.~~**

All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by ~~county auditors~~, the director, deputy director, and bonded game wardens. The ~~county auditors~~, deputy director, and each bonded game warden shall send the director all license fees. ~~For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. Unless the county auditor and the board of county commissioners execute a written agreement providing for the disposition of compensation for the issuance of licenses, the county auditor is entitled to be reimbursed, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license. The compensation due for the issuance of licenses is hereby appropriated as a standing and continuing appropriation from the game and fish fund for the purposes of this section. By March 1, 2015, each county auditor shall implement a computerized online licensing system approved by the department. The county auditor is responsible for any equipment, supplies, and technical support associated with selling licenses online.~~

The county auditor~~Upon request, the director~~ may appoint agents~~the person making the request an agent~~ to distribute hunting and fishing licenses, ~~or stamps. A county auditor may not provide hunting or fishing licenses to agents located outside this state, but the~~The director may provide licenses to agents located outside this state if there are no agents located a reasonable distance within this state where nonresidents may obtain licenses. Upon request, the director may appoint the county auditor of any county as an agent to distribute hunting and fishing licenses. The director and ~~county auditor~~ may require agents~~an agent~~ to show evidence of adequate financial security before the agents ~~are~~agent is appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained

by the agent. The agent shall return the remainder of the license fees to the county auditor for deposit with the county treasurer, or to the director if the agent is appointed by the director, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund. By March 1, 2016, each agent appointed by a county auditor to distribute hunting and fishing licenses or stamps shall implement a computerized online licensing system approved by the department. The agent is responsible for any equipment, supplies, and technical support associated with selling licenses online.

**SECTION 2. AMENDMENT.** Section 20.1-03-18 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-18. County auditors Agents to file applications and stubs certain licenses - Game officials may inspect file - Return of unused supplies.**

Each county auditor For licenses not issued through the computerized online licensing system, each agent appointed to distribute hunting and fishing licenses shall keep on file a record of each license applications the auditor receives and all the stubs of licenses the auditor issues received from the director. These applications and stubs licenses may be inspected at any time by the director or the director's duly authorized deputies and wardens. Within thirty days after the close of each open season, the auditor Each agent shall transmit return to the director all applications, stubs, and unused or mutilated licenses covering that open season and tags within thirty days after the close of the season for which the license was valid.

**SECTION 3. AMENDMENT.** Section 20.1-03-19 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-19. When reports and remittances to be made Remittances by county auditors agents to the director.**

Each county auditor, on the first day of February and August of each year, and within thirty days after the close of each open season, shall make a complete report of all license sales to the director on forms furnished by the director, accompanied by a warrant drawn on the county treasurer to cover such report. At the beginning of each month, the director shall provide each agent appointed to distribute hunting and fishing licenses a statement reporting the agent's license sales for the previous month. By the fifteenth of each month, the agent shall remit to the director the funds collected for license sales for the preceding month.

**SECTION 4. AMENDMENT.** Section 20.1-03-20 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-20. Bonds of county auditors and agents applicable to duties imposed by this title.**

The official bond of each county auditor and of each agent bonded through the state bonding fund and appointed by the county auditor director to distribute hunting and fishing licenses or stamps applies to all duties required of county auditors and

agents under this title, including the liability for all moneys required to be collected or received by ~~county auditors and~~ agents under this title for the issuance of licenses.

**SECTION 5. AMENDMENT.** Section 26.1-21-09.1 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-21-09.1. Bonds of agents appointed to distribute hunting and fishing licenses or stamps - Premiums - Determination of eligibility.**

The annual premium for a bond of an agent appointed by ~~a county auditor~~the director of the game and fish department to distribute hunting and fishing licenses or stamps pursuant to section 20.1-03-17 is ten dollars. The premium must be paid to the fund pursuant to rules adopted by the commissioner. The commissioner shall deposit the premiums with the state treasurer to the credit of the fund. The commissioner may reduce or waive the premium if it is determined that funds received pursuant to this section are sufficient to cover potential claims on the bonds of agents appointed to distribute hunting and fishing licenses or stamps. The commissioner shall determine the conditions and qualifications of agents bonded under this section. The amount of coverage afforded under this section is fifteen thousand dollars per agent per year.

**SECTION 6. EFFECTIVE DATE.** This Act becomes effective on April 1, 2016.

Approved April 9, 2015  
Filed April 9, 2015

## CHAPTER 178

### SENATE BILL NO. 2093

(Senators Armstrong, Schaible, Unruh)  
(Representatives Porter, Nathe)

AN ACT to amend and reenact subsection 3 of section 20.1-03-36.2 of the North Dakota Century Code, relating to guide and outfitter licenses; and to provide for application.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 3 of section 20.1-03-36.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Guide and outfitter licenses expire on ~~December~~March thirty-first of each year for licenses issued after March thirty-first in the previous year unless revoked at an earlier date.

**SECTION 2. APPLICATION.** A license purchased for the year of 2015 and before the effective date of this Act does not expire on December 31, 2015, but expires on March 31, 2016.

Approved April 8, 2015  
Filed April 8, 2015

## CHAPTER 179

### HOUSE BILL NO. 1156

(Representatives Porter, J. Nelson, Schmidt)  
(Senators Armstrong, G. Lee)

AN ACT to create and enact an new section to chapter 20.1-03 of the North Dakota Century Code, relating to the option to use deer lottery license refunds for the private land open to sportsmen program.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

#### **Deer lottery license refund to private land open to sportsmen option.**

The director shall provide that each application for a deer lottery license contain the option for an applicant to donate the refund to which an unsuccessful applicant would be entitled to the private land open to sportsmen program. All moneys collected under this section must be placed in the game and fish private land habitat and access improvement fund and allocated to the private land open to sportsmen program.

Approved March 12, 2015

Filed March 12, 2015

## CHAPTER 180

### HOUSE BILL NO. 1081

(Representatives J. Nelson, Devlin, Hunskor)  
(Senators Bekkedahl, Murphy)

AN ACT to amend and reenact sections 20.1-04-07, 20.1-08-04.2, 20.1-08-04.6, and 20.1-08-04.13 of the North Dakota Century Code, relating to big game and turkey hunting licenses for youth with a life-threatening illness; and to provide for a legislative management study.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-04-07 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-04-07. Governor's proclamation concerning the taking of wild turkeys - National wild turkey federation raffle - Youth spring wild turkey licenses - Outdoor adventure foundation licenses.**

1. By proclamation the governor may provide for a permit season to take wild turkeys in the manner, number, places, and times deemed in the state's best interests; however:
  - 4- a. By proclamation the governor may make available to the national wild turkey federation one license per year to hunt wild turkeys in the spring in the manner, places, and times as the governor prescribes. The national wild turkey federation shall hold a raffle or may auction to the highest bidder, whether resident or nonresident, a license to hunt wild turkeys. If an individual receives a wild turkey license through the raffle or the auction, the individual is not eligible to apply for a wild turkey license through the game and fish department that year. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Ten percent of the net proceeds of the raffle or auction may be retained by the local, state, or national wild turkey federation entity conducting the raffle or auction. All remaining net proceeds must be deposited in the national wild turkey federation superfund and used for wild turkey management and related projects in this state. The national wild turkey federation shall submit reports concerning the raffle or auction as the director requires.
  - 2- b. By proclamation the governor also may allow individuals who are first-time youth spring wild turkey hunters to receive one spring wild turkey license valid for the regular spring wild turkey season. To be eligible to receive a spring wild turkey license, an individual must be fifteen years of age or younger on the opening day of the spring wild turkey season and have never received a spring wild turkey license.
  - c. By proclamation the governor may make available to the outdoor adventure foundation up to two licenses to hunt a turkey in the spring season. The foundation shall make one license available to each qualified youth to hunt as provided in the governor's proclamation. A qualified youth

receiving a license under this section must comply with hunter education requirements and if under the age of eighteen must be accompanied by an adult twenty-one years of age or older. As used in this section, "qualified youth" means an individual who has cancer or a life-threatening illness, is of legal age to hunt a turkey, is under twenty-five years of age, is a resident, and is sponsored by the foundation. The foundation must provide the department supporting documentation demonstrating compliance with this section. The director may adopt rules to implement this section.

2. The governor shall make available to residents and nonresidents any permits remaining after the resident fall drawing.

**SECTION 2. AMENDMENT.** Section 20.1-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.2. Governor's proclamation concerning the hunting of moose - Raffle.**

The governor may by proclamation provide for a season to hunt moose in a manner, number, places, and times as the governor prescribes. Licenses to hunt moose must be issued by lottery, except as provided under subsection 8 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation one license per year to hunt moose in a manner, places, and times as the governor prescribes. In addition, the governor may by proclamation make available a license under section 20.1-08-04.13. The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. The person who receives the license from the raffle may not transfer the license. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle. Fifty percent of all net proceeds must be used for elk management or other wildlife and in conservation-related projects in this state as described under rocky mountain elk foundation policies and objectives. All remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden. The North American wildlife enforcement memorial museum and educational center and the rocky mountain elk foundation shall submit reports concerning the raffle as the director requires. A person may only receive one license to hunt moose issued by lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

**SECTION 3. AMENDMENT.** Section 20.1-08-04.6 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.6. Governor's proclamation concerning the hunting of elk - Rocky mountain elk foundation raffle.**

The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to the rocky mountain elk foundation and the North American wildlife enforcement memorial museum and educational center a license to hunt elk in a manner, places, and times as the governor prescribes. In addition, the governor may by proclamation make available a license under section 20.1-08-04.13. The rocky

mountain elk foundation and the North American wildlife enforcement memorial museum and educational center shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and fifty percent of all net proceeds must be used for elk management or other wildlife and conservation-related projects in North Dakota as described under rocky mountain elk foundation policies and objectives and all remaining net proceeds must be used for construction and maintenance of the North American wildlife enforcement memorial museum and educational center located at the international peace garden. The rocky mountain elk foundation and the North American wildlife enforcement memorial museum and educational center shall submit reports concerning the raffle as the director requires. An owner of farmed elk who is experiencing elk depredation problems may contact the director. Upon investigation, the director may issue special elk depredation management licenses. The governor by proclamation shall establish a procedure to issue elk depredation management licenses in a timely manner. Except for landowners who receive a license under subsection 7 of section 20.1-03-11 and landowners who receive special elk depredation management licenses issued to landowners under subsection 7 of section 20.1-03-11, and persons who receive a special elk depredation management license issued by lottery under this section, a person may only receive one license to hunt elk issued by lottery in a lifetime. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.

**SECTION 4. AMENDMENT.** Section 20.1-08-04.13 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.13. Governor's proclamation concerning once-in-a-lifetime big game hunts for terminally ill children youth with cancer or a life-threatening illness - Rules.**

By proclamation, the governor may make available annually to ~~one~~ the outdoor adventure foundation one any elk license, one any moose license, up to ~~eight~~ seven deer licenses, and ~~four~~ up to two antelope licenses to hunt the species indicated on the license in the manner, places, and times as the governor prescribes. The ~~organization~~ foundation shall make one license available to each qualified ~~child~~ youth to hunt the species of big game indicated on the license as provided in the governor's proclamation. A qualified ~~child~~ youth receiving a license under this section must comply with hunter education requirements and, if under the age of eighteen, must be accompanied by an adult twenty-one years of age or older. ~~The director may adopt rules to implement this section. As used in this section, "organization" means a nonprofit organization qualified under Internal Revenue Code section 501(c)(3) with the principal purpose of granting hunting and fishing adventures for children who have been diagnosed with a terminal illness by a licensed physician and As used in this section, "qualified child" means a terminally ill~~ an individual who has been diagnosed with cancer or a life-threatening illness, is of legal age to hunt the species for which the license is valid, but is under twenty-one ~~twenty-five~~ years of age, is a resident, and is sponsored by an organization that provides to the foundation. The foundation must provide the department supporting documentation demonstrating compliance with this section. The director may adopt rules to implement this section.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the legislative management shall study game and fish department licenses provided to entities for the purpose of fundraising. The study must include a review of the present law in this and other states and the desirability and feasibility of allowing the game and fish department to issue these licenses through certain procedures and

with certain limits created by the legislative assembly. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 9, 2015

Filed April 9, 2015